

Attorney's Docket 011765-0302027  
Client Reference: MHL/MFG/P9306US-WO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:  
IAN DAVID JOHNSON ET AL.

Confirmation Number: 9806

Application No.: 09/869,086

Group Art Unit: 2666

Filed: June 20, 2001

Examiner: Abelson, Ronald B.

For: DISTRIBUTED HIERARCHICAL SCHEDULING AND ARBITRATION FOR  
BANDWIDTH ALLOCATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT/RESPONSE TRANSMITTAL**

Transmitted herewith is an amendment/response for this application.

**FEES**

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been  
calculated as shown below:

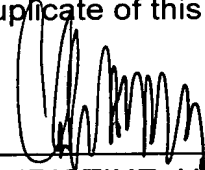
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	14	- 20	= 0	X \$ 50.00	= \$ 0.00
INDEP.	2	- 3	= 0	X \$ 200.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 360.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE					\$ 0.00
GRAND TOTAL					\$ 0.00

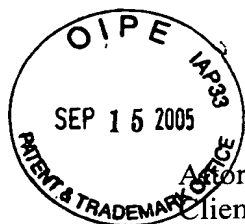
**FEE PAYMENT**

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No.  
033975. Charge any additional fees required by this paper or credit any  
overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: September 15, 2005

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REQUEST FOR RECONSIDERATION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 29, 2005, please reconsider the patentability of the pending claims based on the following remarks.

Preliminarily, it is respectfully submitted that the finality of the June 29 Office Action is premature and must be withdrawn. The Office Action asserted, at section number 3 on page 3, that the "applicant's amendment necessitated the new ground of rejection presented in this office action. However, the response to the previous Office Action did not first introduce the features of "M/N multiplexers." Rather, those features were present in the independent claims prior to the filing of the previous response. Those features were introduced to the claims in a preliminary amendment filed when the application was initially filed. Thus, the April 11, 2005 Amendment did not introduce amendments that have necessitate the new ground of rejection.

MPEP §706.07(a) states: "Under present practice, second or subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information as submitted in an Information Disclosure Statement filed during the period set forth in 37 C.F.R. 1.97(c) with the fees set forth in 37 C.F.R. 1.17(p)."